

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MALIKHA CHENISE BELL,

Defendant-Appellant.

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UNPUBLISHED  
September 16, 2014

No. 316503  
Wayne Circuit Court  
LC No. 12-010430-FC

Before: HOEKSTRA, P.J., and WILDER and FORT HOOD, JJ.

PER CURIAM.

After a jury trial, defendant was convicted of assault with intent to do great bodily harm less than murder, MCL 750.84, and assault with a dangerous weapon (felonious assault), MCL 750.82. The trial court sentenced defendant to 2 to 10 years' imprisonment for the assault with intent to do great bodily harm less than murder and one to four years' imprisonment for felonious assault. Defendant appeals as of right. We affirm.

**I. FACTS**

Defendant's convictions arise from an incident that occurred on September 6, 2012, between the victim, Tyona Boykins, and defendant's daughter, Shawntara Brown (Shawntara). Earlier in the day, the victim, who was sixteen years old at the time of the incident, had a verbal altercation with defendant's son, Sean Brown (Sean). After the argument, the victim went back to her house with a friend, Dionna Hale (Hale). While at the house, the victim went outside and saw a group of people on her street. That group included defendant, Sean, and Shawntara.

The testimony of what transpired between the victim, defendant, and Shawntara differs. The victim testified that after seeing the group, she wanted to call her mom or aunt, but could not because her phone was dead. The victim got on her bicycle "to go try to use [her] neighbor[']s phone around the corner." On her way to her neighbor's house, the victim ran into the group at Auburn and Dover in Detroit. Shawntara walked up to the victim with two knives—a butcher knife and a smaller knife. The victim told Shawntara that she would fight Shawntara without weapons. Shawntara gave the knives to defendant. The victim and Shawntara fought. During the fight, the victim got on top of Shawntara, and defendant came and pulled the victim off of

Shawntara by grabbing the victim's hair. After being pulled off of Shawntara, the victim used a telephone belonging to Zoe,<sup>1</sup> her friend, to call Hale. Hale, who was nearby, arrived a few minutes later.

After Hale arrived, Shawntara approached the victim, swung at the victim, and the two began fighting again. Shawntara did not have a weapon when the second fight began. During the fight, defendant tossed Shawntara the butcher knife, which Shawntara used to stab the victim. After tossing the knife to Shawntara, defendant pulled the victim off of Shawntara and held the victim down by her arms while Shawntara stabbed her. When Hale attempted to help the victim, defendant grabbed Hale and the two began to struggle. The fight between Hale and defendant ended when Shawntara tried to stab Hale with the knife. Defendant broke up the fight between Shawntara and Hale. When Hale went to help the victim, defendant, Shawntara, and the others were gone. Hale's testimony was largely consistent with the victim, except that Hale did not testify that defendant held the victim down during the stabbing.

The testimony of defendant, Shawntara, and Sean differs from that of the victim and Hale. According to these witnesses, the victim rode up to defendant and Shawntara on a bicycle, and asked which one of them would fight. Defendant told the victim, "I don't fight little kids." The victim then left on the bicycle. The victim returned with Zoe, carrying a pink book bag. When the victim approached Shawntara, the victim removed weapons from the bag. The weapons consisted of a hammer, a can of mace, a box cutter, a pocket knife, and a butcher knife. The victim approached Shawntara, and Shawntara told her to put the weapons down for the fight. The victim threw the weapons to the ground, and the two began to fight. Defendant grabbed Shawntara, and Zoe grabbed the victim to break up the fight.

After the fight was stopped, the victim used Zoe's telephone to make a phone call, and after a few minutes, Hale arrived. After Hale arrived, she and the victim tried to fight Shawntara. Defendant grabbed Hale's shirt, and the two of them began twirling around in a circle. Shawntara testified that, while defendant was struggling with Hale, "I fell on the ground. Then [the victim] got on top of me, start[ed] punching me in my head. Then that's when [the victim] was trying to pull out the box cutter and stuff. Then I found the blade on the ground. Then that's—I mean, and then I stabbed her." Defendant testified that, while she was struggling with Hale, Shawntara came at Hale and "tried to clip [Hale] in the face with the knife . . . ." Defendant pushed Shawntara away from Hale. Defendant did not see Shawntara stab the victim, did not give Shawntara the knife, and did not hold the victim down.

The facts regarding what occurred after the victim was stabbed are undisputed. After the altercation, Shawntara, Sean, and the others in the group left the scene. Defendant remained at the scene, "behind the alley, at the store." At about 10:00 p.m., Officer Theodore Jackson received a call to respond to area of Auburn and Dover in Detroit. When Jackson arrived at the area, he saw the victim lying in the street, bleeding. Jackson only saw the victim and Hale at the scene. The victim suffered a gash to her head that needed staples. The victim also suffered a

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<sup>1</sup> Zoe's full name was not clear from the record.

gash to her leg that was too deep to close with staples or stitches. No weapons were found in the area.

## II. DISCUSSION

Defendant argues that the prosecutor presented insufficient evidence at trial to convict her of assault with intent to do great bodily harm less than murder and felonious assault. We disagree. Challenges to the sufficiency of the evidence are reviewed de novo to “determine whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt.” *People v Russell*, 297 Mich App 707, 721; 825 NW2d 623 (2012). All evidence is reviewed in the light most favorable to the prosecution, *id.*, and “[a]ll conflicts in the evidence must be resolved in favor of the prosecution,” *People v Kanaan*, 278 Mich App 594, 619; 751 NW2d 57 (2008). This Court “will not interfere with the jury’s determinations regarding the weight of the evidence and the credibility of the witnesses.” *People v Unger*, 278 Mich App 210, 222; 749 NW2d 272 (2008).

Defendant was convicted of assault with intent to do great bodily harm less than murder and felonious assault under an aiding and abetting theory. “The elements of assault with intent to do great bodily harm less than murder are: (1) an attempt or threat with force or violence to do corporal harm to another (an assault), and (2) an intent to do great bodily harm less than murder.” *Russell*, 297 Mich App at 721; MCL 750.84. “Intent to do great bodily harm is intent to do serious injury of an aggravated nature.” *Russell*, 297 Mich App at 721. “The elements of felonious assault are (1) an assault, (2) with a dangerous weapon, and (3) with the intent to injure or place the victim in reasonable apprehension of an immediate battery.” *People v Avant*, 235 Mich App 499, 505; 597 NW2d 864 (1999); MCL 750.82.

The theory of aiding and abetting requires the prosecutor to show: “(1) the crime charged was committed by the defendant or some other person, (2) the defendant performed acts or gave encouragement that assisted the commission of the crime, and (3) the defendant intended the commission of the crime or had knowledge that the principal intended its commission at the time [the defendant] gave aid and encouragement.” *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999). “‘Aiding and abetting’ describes all forms of assistance rendered to the perpetrator of a crime and comprehends all words or deeds that might support, encourage, or incite the commission of a crime.” *Id.* at 757. “An aider and abetter’s knowledge of the principal’s intent can be inferred from the facts and circumstances surrounding an event.” *People v Bennett*, 290 Mich App 465, 474; 802 NW2d 627 (2010).

In this case, the victim testified that defendant “threw [Shawntara] the knife, and came around and pulled me off of [Shawntara]. And [Shawntara] just got up and started stabbing me.” Hale similarly testified that defendant threw a knife to Shawntara. The victim further testified that defendant held her down while Shawntara stabbed her. This evidence is sufficient to demonstrate Shawntara committed assault with intent to do great bodily harm less than murder and felonious assault. See *Russell*, 297 Mich App at 721; *Avant*, 235 Mich App at 505. Defendant’s acts of tossing a knife to Shawntara and holding the victim down constituted conduct that encouraged and assisted Shawntara in the commission of her crimes. Defendant’s knowledge of Shawntara’s intent to stab the victim can be inferred from the fact that while Shawntara was engaged in a fight with the victim, defendant tossed Shawntara a knife and held

the victim down. Viewing this evidence in the light most favorable to the prosecution, as this Court must, *Russell*, 297 Mich App at 721, sufficient evidence was presented to support defendant's convictions of assault with intent to do great bodily harm less than murder and felonious assault under an aiding and abetting theory.

Defendant argues that the evidence presented at trial was insufficient because the testimony of the prosecution's witnesses was not compelling enough to overcome the evidence presented by the defense. Defendant points to various conflicts in the testimony to support her argument. Specifically, defendant asserts that the testifying police officer had no direct knowledge of the crime, the victim was the aggressor, Hale's testimony undercut the victim's testimony because Hale did not see defendant holding the victim down, and Shawntara admitted to grabbing the knife herself without defendant's assistance. On appeal, "[a]ll conflicts in the evidence must be resolved in favor of the prosecution." *Kanaan*, 278 Mich App at 619. In addition, we do not "interfere with the jury's determinations regarding weight of the evidence and credibility of the witnesses." *Unger*, 278 Mich App at 222. Defendant is correct that some witnesses testified that defendant did not toss Shawntara a knife or hold the victim down while Shawntara was stabbing the victim. However, Hale and the victim testified that defendant did toss the knife to Shawntara, and the victim testified that defendant held the victim down while Shawntara was stabbing the victim. On appeal, we cannot interfere with the jury's determinations regarding weight of the evidence and credibility of witnesses. *Id.* Resolving this conflicting testimony in favor of the prosecution, *id.*, sufficient evidence was presented to support defendant's assault with intent to do great bodily harm less than murder and felonious assault convictions under an aiding and abetting theory.

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Kurtis T. Wilder  
/s/ Karen M. Fort Hood